

HAMPTON PLANNING BOARD – MINUTES
October 18, 2006– 6:00 PM

PRESENT: Tracy Emerick, Chair
Robert Viviano, Vice-Chair
Fran McMahon, Clerk
Jim Workman, Selectman Member
Keith Lessard
Tom Gillick
Donna Mercer, Alternate
Bill Faulkner, Alternate
James Steffen, Town Planner

ABSENT: Tom Higgins

I. 6 P.M. - CONTINUED REVIEW OF PROPOSED ZONING AMENDMENTS – Glen Greenwood of Rockingham Planning Commission

Discussion began regarding update on zoning revisions. Mr. Emerick stated that there are five meetings left before information is due to Town Clerk. The Beach Commission sub-committee will be meeting next week. Mr. Greenwood asked if the Beach Commission has a feeling on the matter. Mr. Emerick's concern is in doing it right.

Proposed Zoning District - Professional Office/Residential District -

The discussion focused on an area encompassing Towle Ave., Academy Ave., High Street, and Winnacunnet Road. Mr. Gillick would not be in favor of a change in the residential areas. Home offices would be allowed. All lots on Towle and Academy would remain in a residential section. Mr. Greenwood will do an inventory of the sizes of the lots of the proposed zone. Height restrictions were discussed and he is recommending a height of 35 feet. After discussion, the Board agreed the north side of High from Dearborn to George Ave should be included in this section.

Mr. Emerick asked about on-street parking being included in the wording of the Purpose statement. He believes it should not include off-street parking. Mr. Greenwood stated that once research is done the 7000 square foot maximum building size may be adjusted.

Proposed Regulations for Condominium Hotels -

Mr. Greenwood addressed the min/max room sizes and stated that research information has been difficult to obtain. He questioned why the Board wants the restrictions. Mr. Emerick mentioned they were discussing this regarding residential units not condominiums or hotels. Mr. Gillick stated that they

want a distinction between residence and hotel room. Mr. Viviano suggested that the mechanicals should be included in 50 foot height restriction. He also thinks any underneath garage parking should also be included in 50 foot height restriction. He also questioned the wording of standard size oven and thought that should be changed to any size oven.

Mr. Lessard stated the goal is that transient units not become residences. Mr. McMahon raised questions regarding the NH room and meals tax. Mr. Gearreald advised that there have been two appeals. Mr. Emerick referred to Mr. Gearreald's memo of September 6, 2006 referencing permanent provisions. Mr. Gearreald did suggest visiting the subject having to do with the parking. Condo conversions require one space on-site. Mr. Steffen shared the hotel/motel definition that York, Maine uses.

Five minute break at 6:55

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members. He then led the Pledge of Allegiance to the flag.

Mr. Emerick stated that there had been requests for continuation on the Atlantic Breeze Suites, 429 Ocean Blvd application to November 15th meeting and the Jack Murray, 56 Drakeside Road applications to November 1st meeting. The Board voted unanimously to reschedule.

II. 7 P.M. – 9 P.M. - FORUM – COMMUNITY GROWTH

The Hampton Planning Board has set aside the first 2 hours of the regular meeting to hold a forum on growth issues in Hampton.

Mr. Emerick advised that there was information available for audience. Mr. Gearreald reviewed how we arrived at this discussion. Last year we received a petitioned growth management article with some inaccurate information. The formula used for number of units was not accurate. The number of new residential permits issued does not equal the resulting number of units. The proposed ordinance would have allowed more than the actual number of units constructed. The ordinance would not have been effective. The Town did pass the ordinance which indicates the town is concerned about growth. A declaratory judgment action declared the ordinance invalid and unenforceable.

Mr. Emerick advised we are here tonight to go forward. Mark shared some data that was developed from a memo from Kevin Schultz and tax evaluation breakdown from Bob Estes. Jamie Steffen provided figures as to population growth in Hampton and units approved by the Planning Board, shown as Exhibit G. Referencing a chart, Exhibit E shows that the petition adopted would have allowed 154 units in 2003, however actual were 120 which was a 1.6% growth. The following years also indicated a lower than 2% growth. Atty. Gearreald doesn't believe we need to limit the number of units. The

Town voted two sums of money for infrastructure to promote Hampton Beach as a year round resort community. By promoting growth in the Beach area we will increase our tax base. Since 2004, Exhibit F shows the units under construction at Hampton Beach and assessed value before and after construction. The increase is 18 million dollars. Exhibit B references impact fees that can be adopted that are resulted by growth. The Planning Board has the authority to develop impact fees. He does not feel a per unit growth control is appropriate.

Jamie Steffen referenced Exhibit G which discussed population growth, student population and Planning Board approvals. Not all approved units have been built.

BOARD

Tom Gillick asked about the student population regarding the school facilities capacity and whether the court ruling throws out any cap or just the 2% cap. Atty. Gearreald stated that the cap cannot be arbitrary. The court has advised not to keep the controls in place any longer that necessary. Mr. Gillick stated that the current thinking is that zoning regulations should control growth.

PUBLIC

John Christianson, 12 Epping Ave

He asked about Exhibit G, Mr. Steffen advised that it included only residential. He referenced the increase in tax base and asked whether reevaluation was figured in to the increase. He stated that the current owners of the Beach are not benefiting from the infrastructure project. Many of the property owners can't vote on these changes. He believes that their voice should be heard.

Tammy Deland, 12 Bourn Ave

She stated that the article in the newspaper for this meeting was poorly advertised. Mr. Emerick asked that we stick to growth issues and that a goal of the Board for this year was to have an open forum. She believes we are overextended. Water and drainage are a big problem. She'd rather see focus on present problems than allowing more growth and creating new problems.

Mary Louise Woolsey, 148 Little River Road.

She believes many problems need to be addressed at the legislature level. She thinks the quality of life has been lost because of overbuilding. The infrastructure bond was to replace deteriorating infrastructure that should have been replaced. She agrees that drainage is a big problem. She sees no leveling out of our tax rate. The problems generated by the growth will not be covered by the increased taxes. Our sewer system is taxed. We have a water problem and a traffic problem. We have also created damage to the wild life habitat. Animals that should be in woodlands are being driven out. She

suggests we ask for help from Concord. Growth is a huge problem and tax burden.

Don Tillbury, 15 Bride Hill Drive

Mr. Tillbury was on the Growth Management Oversight Board. After talking with all departments, the departments are in favor of growth control. He and Mr. Webb also see water issues as a problem. He does not believe that more people mean lower taxes. He is also concerned about outstanding debt in this town.

Rich Reniere, 29 Highland Ave.

He came to get information. He referenced the many types of growth - condos, residential, condex, contel, and asks whether these are good or bad. He asked about condominium projects and the impact on services. He would like to see more business growth in the center of Town. Mr. Gillick stated that if the people of Hampton want zoning changes they should bring them forth to us to be taken to the voters.

June White, 8 River Ave.

She is concerned about the density. Also, the shadows on the beach from tall buildings are a problem to be considered. She doesn't believe the front of the beach is where the higher units should be.

Bruce Aquizap, Tide Mill Road.

He believes the market-place should be dictating these decisions.

Skip Webb, 11 Windmill Lane.

He believes that you can have growth management and impact fees at the same time. He recommends keeping impact fees in place and maybe increasing them. He is concerned about growth created by allowing condos instead of one and two family lots. We don't have the services for the age group we are bringing in. The elderly needs to be taken care of. This will impact welfare programs, social programs and emergency facilities. He is favor of adding growth management and keeping impact fees. He suggests adding a transfer tax of 1 to 2 % on the person leaving the community to maintain the parks we have now and buying properties as they become available.

Mike Scanlon, 4 J Street

He suggests a long range growth plan and looking at density issues. Floor Area Ratios should be across all areas of Town if they are incorporated. Each project should be looked at for its merit. Zoning should be put in place rather than granting variances that allow more density.

Art Moody, 3 Thomsen Road,

He believes enforcement of the current zoning without major variances is necessary. The beach should have same requirements as the rest of the Town. Major variances have eliminated setbacks and square footage of land per dwelling unit. We have spent thousands on conservation only to allow higher structures. Exhibit G that addresses increase in population, he thinks 2% a year increase in population is too high. The zoning is okay but the requirements are being ignored. He thinks the General Zoning District should be changed. The land use RSAs state traffic as a justification in zoning. Traffic in Hampton is a problem.

Skip Webb stated that the square footage of dwelling unit was part of the growth management oversight regulations, when they were removed, the definition was removed.

Public forum ended 8:30.

III. CONTINUED PUBLIC HEARINGS

- 6-24) John Simmons
Site Plan Review at
886 Lafayette Road
Map 71 Lot 3
Owner of Record: Simmons Trust
JURISDICTION ACCEPTED: 9/6/06

John Anthony Simmons and Peter Simmons came forward. They have put in for a renewal of the request for waivers. The justification was submitted in letter of October 6th. Mr. Steffen referenced his memo regarding the issues that had been discussed. After researching regulations, Mr. Steffen stated there is a limitation on impervious surface in the Aquifer Protection District of not to exceed 60 %. Paving the lot would make it exceed the 60%. The other reason for resubmitting the waivers was a concern about whether run off can be disposed of properly. The lot is very tight and there may not be sufficient area for drainage.

The Fire Department review of access has indicated concern of access being restricted by billboard. The Fire Chief's letter of October 18th stated that the proposed driveway must have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. His letter states he would accept an approved automatic fire sprinkler system for both the new and existing structure as an alternative. The Public Works Department stated that they have no concerns.

Peter Simmons stated they need a waiver of the storm water runoff impact. He doesn't want to add additional paving. The proposed addition is 533 sq. feet. A 200 sq. foot loading dock will be removed from back of building.

They had no problems in the May storm. He doesn't believe this will conflict with Section 10, item B, items 1 or 2 either way. He would prefer stone and landscaping instead. Mr. Emerick stated that they would like to consider both waiver issues in the minutes.

BOARD

The question was raised about how many units were in the building. John Simmons stated his office would be on the second level and there could be 2 units on the first floor. There will be three units max. There will be a smaller unit in the front serviced by the front entrance. Mr. Simmons addressed the concern regarding people walking from front to back. The front unit would have its parking designated in front. Mr. Lessard asked if they would need a waiver for the driveway width. It was determined that they wouldn't that the Board would take the Fire Chief's recommendation.

PUBLIC

No public comment

MOVED By Mr. Tom Gillick to grant the waiver

SECOND By Mr. Workman

VOTE: 7-0-0

MOTION PASSED

MOVED By Mr. Gillick to approve the site plan subject to the recommendations of the Planner in his memo of October 18th. Also, there would be no additional paving and that the front parking is designated for the front unit.

SECOND By Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

6-78) Ann J Carnaby
2-lot residential subdivision at
54 Tide Mill Road
Map 231 Lot 6
Owner of Record: Ann J Carnaby
Waivers Requested: Subdivision Regulations Section V.E (Detailed Plan)

Steve Ells came forward representing Ann Carnaby with Ernie Cote who prepared the plans. The issue of the use of the wetland to satisfy the acreage requirements was raised. There must be 75% which would be 11,250 square feet plus an additional 5,000 square feet as a minimum required upland of 16,250 square feet. This plan shows 16,307 square feet. He referred to footnote #7 on Plan. They sent wetland scientist to find additional upland, but he was unable to find any. The remaining lot is 43,000 sq feet.

PUBLIC

David Egonis of 48 Tide Mill Road came forward. He pumps out his house more the last few years than before and is concerned about drainage impact on his property. His math shows a buildable area of 3,187 sq. feet inside the square. The Board stated that is acceptable. Mr. Lessard stated concern with growth; however, people have property rights. The Board must comply with ordinances and afford everyone their rights.

Bruce Aquizap of 65 Tide Mill Road came forward in favor of this project. If it is legal, he believes it should be approved.

BOARD

Mr. Gillick referenced a memo from the Planner dated October 17th stating compliance with the Town's regulations.

MOVED By Mr. Gillick motion to grant the waiver.

SECOND By Mr. Workman

VOTE: 7-0-0

MOTION PASSED

MOVED By Mr. Gillick motion to take jurisdiction and approve the 2 lot subdivision Plan #4-91-2430 on 54 Tide Mill Road with conditions referenced in the Planner's memo of October 17, 2006.

SECOND By Mr. Workman

VOTE: 7-0-0

MOTION PASSED

- 6-81) White Realty Trust/Geoff Rallis
Special Permit to Impact Wetlands Conservation District to construct an addition on previously sealed surface at
20 Morrill Street
Map 22 Lot 1
Owner of Record: White Realty Trust/Karen Rallis/Mary McCarthy

Geoff Rallis came forward representing White Realty Trust. This addition is needed because of an injury received by his daughter. He stated that they removed sealed surface area of 1,209 square feet and put back 624 square feet. The Board received the Conservation Commission memo dated September 28, 2006. He indicated that they do not object, with usual stipulations that are attached. Mr. Lessard asked if Mr. Rallis has authorization. He stated he did.

PUBLIC

No comment

BOARD

Mr. Emerick stated that the Board doesn't usually require pictures of preexisting conditions.

MOVED By Mr. Lessard to grant the special permit subject to the conditions of the Conservation Commission memo dated September 28, 2006 with the exclusion of requirement of pictures.

SECOND By Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

IV. CONSIDERATION OF MINUTES of October 4, 2006

MOVED By Mr. Lessard to accept minutes as presented.

SECOND By Mr. Viviano

VOTE: 6-0-1

MOTION PASSED

V. CORRESPONDENCE

They received a construction bond estimate for Hampton River Marina of \$38,111. A memo from John Hangen indicates the security appears adequate.

MOVED By Mr. Gillick to set up bond.

SECOND By Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

They received a memo from Maureen Duffy, for the Board of Selectmen requesting that the Board comment on an easement relocation agreement at 16 Katie Lane.

MOVED By Mr. Gillick to recommend to Board of Selectmen acceptance of the easement relocation agreement.

SECOND By Mr. Viviano

VOTE: 7-0-1

MOTION PASSED

They received a Voluntary Lot merger request for Drift Motel at 18 Ocean Boulevard and 1 Dover Ave.

MOVED By Mr. Lessard to accept Voluntary Lot Merger request.

SECOND By Mr. Gillick

VOTE: 7-0-0

MOTION PASSED

V. OTHER BUSINESS

None

MOVED By Mr. Gillick to adjourn

SECOND By Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

Meeting adjourned at PM.

Respectfully Submitted,
Shirley Doheny